

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

CARLOS L. ANDREWS,

Plaintiff,

vs.

LOUIS DEJOY, Postmaster General,  
United States Postal Service,

Defendant.

**CV-20-11-GF-BMM**

**ORDER**

Plaintiff Carlos Andrews (“Andrews”) has filed a Motion for Production of Transcripts at the Government’s Expense (Doc. 146). The Government opposes the Motion. Andrews cites to United States Magistrate Judge Christopher Bly’s Order on February 5, 2019, that allowed Andrews to file his action *in forma pauperis*. Andrews claims that because he was allowed to proceed without payment of a filing fee at the beginning of his case, he is now entitled to trial transcripts at the expense of the Government. For the following reasons, the Court **DENIES** the Motion.

## ANALYSIS

It is the appellant's duty to both order and pay the court reporter for transcripts. Fed. R. App. P. 10(b)(1), (b)(4). An appellant may file, however, a motion seeking a transcript at the Government's expense. 28 U.S.C. § 753(f). The statute contains two prerequisites:

Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).

*Id.* (underlines added). Andrews fails to establish at least the first prerequisite. The Ninth Circuit has yet to permit Andrews to file his appeal *in forma pauperis*.

Andrews claims instead that proceeding in this Court *in forma pauperis* pursuant to Judge Bly's 2019 order provides him grounds for having the Government pay his transcript fees. This order is from the initial filing of the case three years ago. It is also from the District of Georgia, well outside the Ninth Circuit's range. Notably, Judge Bly's order relates only to service of process and the documents associated with service of process. (Doc. 146-1). Without the permission to appeal in forma pauperis, Andrews is not entitled to the Government paying his transcript fees.

Because Andrews fails the first prerequisite, the Court need not analyze whether an appeal is frivolous. Accordingly, Andrews is not entitled to trial transcripts at the expense of the Government.

**ORDER**

Accordingly, **IT IS ORDERED** that Andrews's Motion for Production of Transcripts at the Government's Expense (Doc. 146) is **DENIED**.

Dated the 8th day of February, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. The first name "Brian" is written with a large, looped 'B', and the last name "Morris" is written with a large, looped 'M' and a trailing flourish.

---

Brian Morris, Chief District Judge  
United States District Court